

Affidavit of Special Agent Daniel R. Genck

I, Daniel R. Genck, being duly sworn, do hereby depose and say:

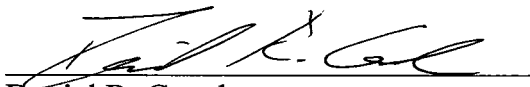
1. I am a Special Agent (SA) of the Federal Bureau of Investigation, currently assigned to the FBI's Minneapolis Division, Bismarck Resident Agency. I have been employed by the FBI since 2009. I am currently assigned to investigate drug trafficking, organized crime, and other criminal matters in western North Dakota. For the past 6 years, I have conducted numerous investigations involving complex criminal activity to include major violent crime, organized crime, and international terrorism.
2. On September 9, 2015 I received information that Delta flight 4770 traveling from Minneapolis, Minnesota to Dickinson, North Dakota, was making a landing under emergency conditions in Dickinson due to the presence of a suspicious bag on board that was "beeping."
3. Upon arrival at the Dickinson/Roosevelt Regional Airport in Dickinson, North Dakota, I received information from other law enforcement officers that passengers on board had provided no actionable leads regarding the suspicious package. I also learned that the Bismarck Police Department had identified the package and cleared it of explosive material. The Bismarck Police Department Bomb Technician stated the package was a white plastic bag with rolled up towels inside. No electronic devices or explosive materials were found in the bag.
4. The crew of Delta flight 4770 had remained at the airport to speak with the FBI and upon my arrival they were interviewed separately about what had happened on Delta flight 4770 by myself and the Stark County Sheriff's Office. The Captain, First Officer, and Flight Attendant were all in agreement about the timeline and details of the story. The Flight Attendant, JUSTIN COX-SEVER, had originally noticed the suspicious bag in the rear of the plane under seat 13A and contacted the flight deck to relay information about the bag. An announcement was made to the passengers about the bag and no passengers claimed the bag as their own. COX-SEVER then noticed the bag was beeping and notified the flight deck. At that time, the Captain declared a Level 3 emergency, notified air traffic control, and prepared for an emergency landing.

5. During COX-SEVER's interview with your affiant, he stated the bag was beeping slowly for approximately 15-20 seconds and then began beeping rapidly for 35-40 seconds. The bag made no noise for 3-4 minutes and then began beeping again in the same pattern as before. During this time, COX-SEVER stated no other passengers were nearby to hear the beeping and no passengers made comments to COX-SEVER about hearing the beeping. COX-SEVER never touched or moved the bag, but did mention that he ran a piece of paper underneath the bag to check for a "trigger switch" that might detonate the bag if it was moved.
6. COX-SEVER also told your affiant that he had been on American Airlines flight 2928 which traveled from Charlottesville, Virginia to Chicago on July 7, 2015. During that flight, COX-SEVER discovered a written threat on the wall of the lavatory stating a bomb was on the plane. The flight was diverted back to Charlottesville and no explosives were found on the plane. COX-SEVER had pictures of the incident on his cell phone and stated he received positive feedback from his employer for his handling of the incident.
7. Following more questioning, COX-SEVER confessed to writer that he had planted the suspicious item on Delta flight 4770. COX-SEVER had gotten the plastic bag from a food delivery a few days prior and used some of his personal hand towels to fill the bag. COX-SEVER tied the top of the bag and placed it underneath seat 13A in the rear of the plane. COX-SEVER knew the bag contained no electronics that would cause a beeping sound and no explosive material.
8. COX-SEVER also stated that he had fabricated the incident on American Airlines flight 2928 that took place in Charlottesville, Virginia and that he took a black marker and wrote the bomb threat himself in the lavatory. COX-SEVER stated he was extorted by a friend who told him that he needed to "bring down" a plane or else they would harm him and his family. Following further questioning, COX-SEVER recanted his claim of extortion and admitted he had written the threat willingly.
9. COX-SEVER's false report of a possible bomb on Delta flight 4770 resulted in the declaration of a level 3 emergency, which further resulted in the shutdown of all commercial air traffic at the Dickinson/Roosevelt Regional Airport. Delta flight 4770 was then prioritized for an emergency landing. Once the plane had landed

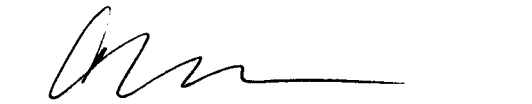
the passengers and flight crew were unloaded and secured, while the plane was searched and secured by law enforcement officers and trained bomb technicians.

10. I know from my training and experience that the incident described by COX-SEVER on Delta flight 4770 show COX-SEVER interfered with, and attempted to interfere with, the authorized operation of aircraft, and an air navigation facility, with reckless disregard for the safety of human life while doing so. I also know from my training and experience that on Delta flight 4770 COX-SEVER knowingly communicated false information about a bomb threat that endangered the safety of the aircraft while it was in flight.
11. Based on the above, I believe JUSTIN COX-SEVER has committed the acts outlined by the affidavit above. I request the court issue a criminal complaint and arrest warrant for COX-SEVER based on his violation of 18 United States Code, Sections 32(a)(5), 32(a)(7) and 32(a)(8).

The foregoing is true to the best of my knowledge and belief.

  
Daniel R. Genck  
Special Agent  
Federal Bureau of Investigation

Sworn and subscribed before me this 14<sup>th</sup> day of September, 2015.

  
Charles S. Miller, Jr.  
United States Magistrate Judge